In the High Court of Judicature at Madras

Dated:04.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.344 of 2006

R. Gandhi .. Petitioner

vs.

1. The Inspector of Police
W2, All women Police Station
Triplicane, Chennai City.

2. Dr. Tmt. B. Meena .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus as stated therein directing the 1st respondent to produce the corpus of the detenu minor Nithya Shri 3 years from the illegal custody of 2nd respondent before this Hon'ble Court and handover the custody of the minor children to the petitioner.

For petitioner : Mr. P.I. Thirumoorthy

For respondents : Mr. Varadharajan
for Mr. Abudukumar Rajarathinam
Govt. Advocate (Crl.side)

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name R. Gandhi, has filed this habeas corpus petition seeking direction to the first respondent, Inspector of Police, W2, All Women Police Station, Triplicane, Chennai City for production of his minor daughter Nithya Shri, from the illegal custody of the second respondent before this Court.

2. It is not in dispute that the second respondent is none else than the wife of the petitioner and mother of the detenue minor

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Nithya Shri. It is also admitted that the minor girl is aged about three years. In such circumstances, we are of the view that it cannot be claimed / contended that the detenue is under the illegal custody of second respondent. As said earlier, the second respondent is none else than the mother of the minor detenue. On going through the averments stated in the affidavit filed in support of the above petition, we are of the view that the grievance expressed by the petitioner cannot be gone into by this court in a habeas corpus petition. The petitioner is free to vindicate his grievance before the appropriate forum / Court.

With the above observation, this petition is dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1.The Inspector of Police
W2, All women Police Station
Triplicane, Chennai City.

2.The Public Prosecutor,
High Court, Madras.

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H.C.P.No.344 of 2006

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